

**Before the
Federal Communications Commission
Washington, DC 20554**

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| In the Matter of |) | |
| |) | |
| Telecommunications Relay Services and |) | CC Docket No. 98-67 |
| Speech-to-Speech Services for |) | |
| Individual with Hearing and Speech |) | CG Docket No. 03-123 |
| Disabilities |) | |
| |) | |

Petition for Declaratory Ruling

The National Exchange Carrier Association, Inc., (NECA) on behalf of the Interstate Telecommunications Relay Service Advisory Council (the Council), respectfully submits this Petition for Declaratory Ruling regarding methods for compensating providers for the costs of providing 2-line inbound captioned telephone voice carryover (CTV) service. NECA and the Council request the Commission approve the jurisdictional allocation methodology described herein. This methodology will be used for the limited purpose of determining reimbursement of 2-line inbound CTV interstate costs from the interstate TRS fund.

Background

In an August 2003 *Declaratory Ruling*, the Commission found that CTV service was a type of TRS, and that eligible providers of such services are eligible to receive reimbursement of interstate minutes of CTV use from the TRS Fund.¹

The jurisdiction of calls initiated or received by single line CTV users is easily discernible because all such calls transit the relay center. As with traditional TRS voice carryover (VCO) calls, the telephone number of the caller is recognized at the relay center

¹ See In the Matter of Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67, *Declaratory Ruling*, 18 FCC Rcd 16121 at ¶1 (2003).

through automatic number identification (ANI). When the called party number is input, the intrastate or interstate nature of the call is captured in the center's call detail recording system for user billing and provider reimbursement.

Provision of two-line VCO services was mandated by the FCC in the Commission's June 17, 2003 *Second Report and Order* on TRS.² CTV also has a 2-line option. When a 2-line CTV call is placed by the captioned telephone user (outbound), the process of identifying the jurisdiction of the call is the same as is used for single line CTV calls. Interstate TRS providers who offer 2-line CTV service have identified a problem, however, in determining the jurisdiction of calls placed to the CTV subscriber (inbound) because in this case the caller dials the 2-line captioned telephone user directly, bypassing the relay center. Consequently, the center does not receive the caller's ANI and is unable to determine whether the call is intrastate or interstate. Because providers are unable to identify the jurisdiction, they currently are receiving reimbursement for all 2-line inbound CTV calls under their state contracts.

Jurisdiction of 2-Line CTV Calls

The 2-line inbound CTV jurisdiction issue was raised at the Interstate TRS Fund Advisory Council's April 2004 meeting and again at the Council's September 2004 meeting. The Council found this situation to be analogous to the issue of determining the jurisdiction of calls placed to toll free numbers.³ In that case, TRS providers had informed NECA that they were unable to identify the jurisdiction of calls placed to toll free numbers. Recognizing that some portion of those calls are interstate in nature and eligible for reimbursement from the

² See In the Matter of Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CC Docket No. 98-67 and CG Docket No. 03-123, *Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, Second Order and Report* 18 FCC Rcd 12379 at ¶¶ 28-29 (2003).

³ See Interstate Telecommunications Relay Service Fund Payment Formula and Fund Size Estimate, submitted by NECA on October 1, 1996; page 7.

interstate Fund, the Council recommended that NECA develop a factor based on the relationship of interstate and international billed minutes to intrastate toll, interstate and international minutes.

Similarly, the Council has previously recommended that this allocation methodology be used to determine the portion of 900 call minutes that should be reimbursed from the TRS Fund, because providers cannot determine the jurisdiction of calls placed to 900 numbers.⁴ The FCC approved the use of this allocation methodology for 900 number calls in its December 21, 2001 *Memorandum Opinion and Order*.⁵

Recommendation

The Council recommends the use of an allocation methodology, similar to the methodology used with toll free and 900 number calls, to determine the jurisdiction of 2-line inbound CTV minutes. Because CTV calls may be any type, i.e., local, intrastate toll, interstate or international, similar to those involving traditional TRS calls, the Council recommends that the interstate allocation factor be calculated by dividing the number of interstate and international traditional TRS minutes projected for the funding year by the total number of traditional TRS local, intrastate toll, interstate and international minutes.

NECA has developed a proposed factor for the 2004-2005 funding year based on the Council's proposed methodology, using data projected for calendar year 2004 and 2005. Based on NECA's analysis, 10% of the 2-line inbound CTV minutes would be allocated to the

⁴ See Recommended TRS Cost Recovery Guidelines, CC Docket No. 98-67, submitted by NECA November 9, 2000

⁵ See Telecommunications Services for Individuals with Hearing and Speech Disabilities, Recommended TRS Cost Recovery Guidelines Request by Hamilton Telephone Company for Clarification and Temporary Waivers, *Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 16 FCC Rcd 22948 (2001).

interstate jurisdiction for payment from the interstate TRS Fund, while the remaining 90% of the 2-line inbound CTV minutes would continue to be billed to the intrastate jurisdiction.

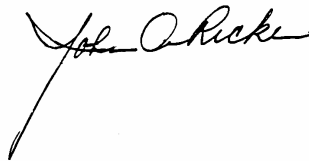
While interstate CTV minutes are growing, they do not yet constitute a significant portion of the TRS provider payments.⁶ Interstate CTV minutes currently amount to less than 1% of the monthly fund reimbursements. Since two-line inbound CTV calls are a small portion of all CTV calls, the potential additional funding requirement associated with reimbursement of 10% of 2-line inbound CTV minutes will have little impact on the 2004-2005 TRS Fund.

Conclusion

Because providers of CTV are unable to identify the jurisdiction of inbound calls to their subscribers, an allocation method is necessary to determine proportions of minutes that should be reimbursed from the interstate TRS fund. The TRS Advisory Council recommends the use of an allocation factor similar to the factor used with toll free and 900 number calls to determine the jurisdiction of 2-line inbound CTV minutes. NECA and the Council accordingly request Commission approval of the allocation methodology for use in determining the number of 2-line inbound CTV minutes that will be compensated by the Interstate TRS Fund.

Respectfully submitted,

NATIONAL EXCHANGE CARRIER ASSOCIATION, Inc.
(On behalf of the Interstate TRS Advisory Council)

A handwritten signature in black ink, appearing to read "John A. Ricker", with a long, sweeping underline that extends to the left.

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⁶ In September 2004, providers processed 92,306 minutes; in October, 105,219. Reimbursement for CTV minutes amounted to less than 1% of the total provider reimbursement.